

February 21, 2023

9 Moses West Road
Chilmark Mass. 02535

RE: PETITION FOR SPECIAL PERMIT – 138 STATE ROAD

Dear Chilmark Zoning Board members:

I am writing on behalf of my sister, Ellen Hollander, my brother, Jonathan Hollander, and myself, co-owners of 9 Moses West Road. We were notified last week of the proposed development at 138 State Road in Chilmark. The applicants are requesting a special permit to expand the property to a size that substantially exceeds the limits allowed by the Chilmark Zoning Bylaws. In addition, the applicants are proposing to install a large in-ground swimming pool and cabana within the Coastal District on a property that sits directly alongside Stonewall Pond. We are writing to oppose this application.

Regarding the size of the proposed development, Chilmark voters in 2013 passed a regulation that restricts the size of homes built in Chilmark based on the total size of the lot. This regulation was adopted, in my words, to preserve the rural character and natural beauty of Chilmark, and to avoid undue adverse environmental consequences. The regulation specifies a maximum living area of 3,500 sq. ft. on a three acre lot, with an additional 250 sq. ft. for every acre over three. According to the Town notice, the proposed development at 138 State Road would exceed the maximum living area limit by 876 sq. ft.

We can conceive of no acceptable reason why the Chilmark Zoning Board of Appeals would disregard the intent of the Chilmark voters and grant the requested special permit in regard to the total living area at 138 State Road.

Regarding the proposed 18' by 50' swimming pool and cabana, we also request that the application be denied. 138 State Road lies directly alongside Stonewall Pond, with an extended shoreline. For this reason, it is designated as a District of Critical Planning Concern by the Martha's Vineyard Commission and in the zoning bylaws of the Town of Chilmark.

Swimming pools are completely prohibited at locations within 100 feet of Chilmark's ponds, designated as the Shore Zone, and are only permitted under very limited conditions in the area immediately beyond that, defined as the Inland Coastal District. The northeastern portion of the swimming pool appears to lie precisely at 100 feet from Stonewall Pond. These factors require strict application of Chilmark's zoning regulations.

The intent of the bylaw that restricts development within Chilmark's Coastal District is described in Section 11.5 of the bylaws. The bylaw is intended to insure, among other conditions, that development in these districts:

- A. Will not result in undue water, air, land or noise pollution;
- C. Will not result in increased beach erosion or damage to the coastal ecology or wetlands;
- D. Will cause no damage to fisheries and shellfish;

- F. Will result in as little interruption as possible of public views overlooking the site, nor will it allow construction which is not in harmony with the landscape type;
- H. Will not result in a deterioration of the rural character of Chilmark by proliferation of accessory structures.

We believe that the regulation regarding development within the Chilmark Coastal District clearly indicates that the swimming pool proposal should be denied. However, if the Chilmark Zoning Board of Appeals ultimately decides to allow this project to proceed, significant modifications to the plan should be required.

Most importantly, the size of the swimming pool should be greatly reduced. In addition, the Zoning Board should require (a) that the pool be re-located further than 100 ft. from Stonewall Pond; (b) that the pool's visibility be screened from higher surrounding properties on all sides by appropriate natural vegetation; (c) that the Cabana be disallowed with the exception of space to enclose necessary pool equipment; and (d) that all appropriate measures are adopted to avoid the risk of environmental damage to Stonewall and Quitsa Ponds and the surrounding wetlands.

Sincerely,

A handwritten signature in dark ink, appearing to read "David Hollander", with a long, sweeping underline.

David Hollander, for
Ellen Hollander and Jonathan Hollander

To: Chilmark Zoning Board of Appeals

To be read at the meeting as we don't zoom, and we wish to be heard

Re: Proposed Construction at 138 State Road

My wife, Susan Jones, and I, Bruce Yaune, of 6 Eliot Ave., Chilmark are concerned about the impact the proposed plans for a pool and enlarged and additional buildings at 138 State Road will have on our neighborhood. We feel that a pool at this fragile location, mere steps from the pond and ocean, should be out of the question. Disallowed. Please see the letter we delivered to the Conservation Commission last week, a copy of which was also sent to you. It spoke to our concerns regarding overflow issues and overuse of our shared aquifer. In addition, the neighborhood noise level would surely be increased, with the pool and cabana noise carrying over Stonewall Pond, disturbing the neighborhood. Also, isn't there a rule about renovating in the footprint of existing structures so near water and boundaries? And the plans to enlarge the existing main house and add new buildings – isn't that overburdening that littoral property? Please protect this Stonewall area. We have all tried to do so for generations. Thank you for your consideration.

RECEIVED

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Town of Chilmark
Board of Selectmen
Front Desk